

REMARKS

Claims 1-21 were submitted for examination. Claims 1-21 have been rejected. Claims 1, 8, 9, and 15 have been amended. Claims 7, 10-12, and 18-19 have been cancelled. New claims 22-34 have been added. No new matter has been added.

Reconsideration and reexamination of the above-referenced patent application, is respectfully requested.

35 U.S.C. § 102(b) Rejection – Kuga

Claims 9-11 and 15-18 were rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,686,940 to Kuga ("Kuga").

Independent claim 9 recites in part:

"determining an approximate distance between a user and a sensor;
and

configuring an audio device based, at least in part, on the distance."

(Emphasis added.)

Kuga teaches using a distance sensor to detect a distance to control how an image is displayed on a display such as an LCD. When the distance between a user and the LCD is long (low level output signal), a reduced image is displayed. When the distance between the user and the LCD is short (high level output signal), an enlarged image is displayed on the LCD. (Col. 3, lines 15-43).

Kuga further teaches using the distance to control scrolling of an image (Col. 3, line 58 to col. 4 line 27), scrolling in word processing (Col. 4, lines 28-58), and video editing of tapes (Col. 4, line 59 to col. 6, line 47).

Kuga, however, does not teach "configuring an audio device based, at least in part, on the distance", as claimed in claim 9.

Applicant submits that, at least for the above reason, the 102(b) rejection has been overcome and that claim 9 is patentable over Kuga. Since claims 13-14 depend from and further limit claim 9, they are also patentable over Kuga.

Applicant submits that, at least for the above reason, claims 15 and 30 and their corresponding dependent claims are also patentable over Kuga.

35 U.S.C. § 103(a) Rejection – Kuga

Claims 1-7 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Kuga.

Independent claim 1 recites in part:

"a sensor to measure an approximate distance to a user; and
a storage device to store measurement code and configuration code
to be executed by the processor, the measurement code to
determine the distance measured by the sensor, and the
configuration code to configure an image to be displayed on the
display screen according to the distance, wherein when the
distance increases, size of the image is increased, and wherein
when the distance decreases the size of the image is decreased."

(Emphasis added.)

As indicated above, Kuga teaches that when the distance between a user and the LCD is long (low level output signal), a reduced image is displayed. When the distance between the user and the LCD is short (high level output signal), an enlarged image is displayed on the LCD. (Col. 3, lines 15-43; Figures 2 and 3).

Applicants submit that Kuga's teaches away from the invention as claimed in claim 1. Specifically, Kuga does not teach "when the distance increases, the size of the image is increased, and wherein when the distance decreases, the size of the image is decreased."

Applicant submits that, at least for the above reason, the 103(a) rejection has been overcome and that claim 1 is patentable over Kuga. Since claims 2-6 and 8 depend from and further limit claim 1, they are also patentable over Kuga.

Applicant submits that, at least for the above reason, claims 22 and 26 and their corresponding dependent claims are also patentable over Kuga.

35 U.S.C. § 103(a) Rejection – Kuga & Fatch

Claims 8, 12-14, and 19-21 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Kuga and in further view of U.S. Patent No. 6,244,711 to Fatch et al. ("Fatch").

Claims 12 and 19 have been cancelled.

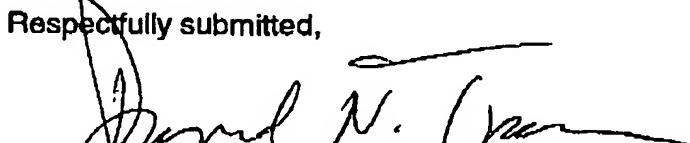
Applicants submit that, at least for the reason that Kuga teaches away from the invention as claimed in claim 1, and that Kuga fail to teach the invention as claimed in claims 9 and 15, as provided above, this 103(a) rejection has been overcome.

CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call David Tran at (408) 765-4692.

Authorization is hereby given to charge our Deposit Account No. 50-0221 for any charges that may be due.

Respectfully submitted,



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